

Appl. No. 10/719,924
Response dated 4/20/2007
Reply to Office Action of 10/02/2006

REMARKS/ARGUMENTS

Claim 21 and new claims 54-60 are pending in this Application. Claims 1, 3-20, 22 and 24 have been canceled by this amendment. Claims 2, 23 and 25-53 were previously canceled.

Applicant addresses the Examiner's objections and rejections below:

Domestic Priority Claim

The Examiner takes the position Applicants have not complied with one or more conditions for receiving the benefit of an earlier filing date. The basis for the Examiner's position is that the Oath/declaration does not contain a reference to the provisional application 60/428,653 from which priority is claimed. Applicants respectfully disagree with the Examiner's position. The Inventors' declaration as filed does not contain a reference to the provisional application, but such a reference in the declaration is not required by 35 USC § 119 or 37 CFR 1.78. Applicants have properly claimed the benefit of their earlier-filed provisional application in paragraph [0001] of the specification in conformity with 37 CFR 1.78(a)(4). Paragraph [0001] of the specification states: This patent application claims priority based on U.S. provisional patent application No. 60/428,653, filed on Nov. 25, 2002, for the invention entitled "IN-LINE STORMWATER DISINFECTION SYSTEM." Thus, withdrawal of this objection is respectfully requested.

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Objection to Claim 14

The Examiner objected to a spelling error in claim 14. Claim 14 has been canceled by this amendment rendering this objection moot.

Rejection of Claims 1, 3-13, 22 and 24 under 35 USC § 102 and/or § 103

The Examiner rejected claims 1, 3-13, 22 and 24 as either anticipated by or obvious in view of O'Leary, U.S. Patent No. 4,659,459. Claims 1, 3-13, 22 and 24 have been canceled by this Amendment rendering these rejections now moot.

Rejections of Claims 14-20 under 35 USC § 103

The Examiner rejected claims 14 and 16 under 35 USC § 103 as unpatentable over O'Leary in view of Iverson et al., Patent Pub. No. 2002/0014463. The Examiner rejected claims 15 and 17-18 under 35 USC § 103 as unpatentable over O'Leary in view of Koubek, U.S. Patent No. 4,012,321. The Examiner also rejected claims 19 and 20 under 35 USC § 103 as unpatentable over O'Leary in view of Koubek and further in view of Cox, U.S. Patent No. 5,700,377. Claims 14-20 have been canceled by this Amendment and these rejections are now moot.

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Rejection of Claim 21 under 35 USC § 103

The Examiner rejected claim 21 under 35 USC § 103 as unpatentable over O'Leary in view of Applegate, U.S. Patent No. 4,280,913. Claim 21 has been rewritten in independent format to include the limitations in claim 1 from which claim 21 previously depended. Applegate discloses a water purification process that utilizes a cylindrical microscreen. The Examiner stated, in relevant part: "Applegate (913) teaches a water purification process that is located in-line at a storm drain (col. 3, line 65)." See 10/2/06 Office Action at p. 4, para. 4.

Applicant respectfully traverses this rejection. Applegate '913 states, in relevant part in column 3, beginning at line 60:

"Impure water 70, a contemplated in the process of FIG. 3, will be relatively clean water having mostly colloidal and soluble impurities or contaminants. Ideal applications for the process illustrated in FIG. 3 include the polishing of final municipal or industrial waste effluents, storm water overflow treatments and treatment of potable water for the removal of trace impurities, especially dissolved or refractory organic materials and chlorine."

Applegate '913 at col. 3, lines 60-68.

Applicant respectfully disagrees with the Examiner's position that Applegate teaches a process located in-line at a storm drain in the portions cited by the Examiner. Applegate does not mention a storm drain. Applegate instead teaches a process using "relatively clean water" and the like, and "potable water", and is not directed to a disinfection system for water treated

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upstream, such as at a storm drain collection location which is not "relatively clean" or "potable" water. Thus, neither O'Leary nor Applegate, alone or in combination, disclose the claimed wet and dry weather disinfection system "locatable in-line at a storm drain collection location" as presently claimed in claim 21. Withdrawal of the rejection of claim 21 is respectfully requested.

New Claims 54-56

New claim 54 depends from claim 21 as amended and further recites "wherein said sensor to measure water characteristics is located upstream of said disinfecting chemical dispenser." New claim 55 depends from claim 21 as amended and further recites "a downstream sensor configured to measure said water characteristics." New claim 56 depends from claim 21 as amended and further recites "wherein said storm drain collection location is a catch basin."

Claims 54-56 are allowable for at least the reasons claim 21 is allowable over the documents cited by the Examiner as discussed above for claim 21. An allowance of claims 54-60 is respectfully requested.

New claims 57-60

New independent claim 57 claims a portable disinfection system and is allowable over the documents cited by the Examiner which do not teach or disclose the claimed system. New claims 58 and 59 depend from claim 57 and recite additional features of the portable disinfection system of claim 57 and are also allowable over the documents cited by the Examiner.

New independent method claim 60 claims a method for upstream water disinfection and is allowable over the documents cited by the Examiner which do not teach or disclose the steps

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claimed in claim 60. An allowance of claims 57-60 is respectfully requested.

Conclusion

For at least the reasons stated herein, Applicant respectfully submits that claims 21 and 54-60 are in condition for allowance. If the Examiner differs in this conclusion, the Examiner is hereby requested to contact Applicant's representative for purposes of a telephone interview at the number listed below before any action (other than an allowance) is initiated.

Respectfully submitted,
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